

AMENDED IN SENATE APRIL 5, 1999

**SENATE BILL**

**No. 833**

**Introduced by ~~Senator Ortiz~~ Senators Ortiz and Speier**  
(Coauthor: Assembly Member Torlakson)

February 25, 1999

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An act to ~~amend Section 24216.5 of, and to add Section 24209.5 to,~~ add Sections 24203.7 and 24209.5 to the Education Code, relating to the State Teachers' Retirement System.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, as amended, Ortiz. State Teachers' Retirement System: benefits.

The State Teachers' Retirement Law prescribes the method of determining the retirement benefits of members who reinstate and are eligible to receive multiple service or disability allowances. Existing law exempts retired members who are reemployed by districts to meet the objectives of the Class Size Reduction Program from compensation limitation provisions.

This bill would prescribe the method of determining the benefits of those members with service after January 1, 1999, whose credited service equals or exceeds 30 years. ~~The bill would require employers who employ retired members who are reemployed to reduce class sizes to give preference to hiring persons with specified credentials.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 24203.7 is added to the  
2 Education Code, to read:

3 24203.7. A member who retired for service with an  
4 effective date for which the first allowance was payable  
5 on or after January 1, 1998, but with an effective date prior  
6 to January 1, 1999, shall, effective July 1, 1999, have the  
7 allowance increased to the level that would have been  
8 received if Section 22717, as amended by Chapter 1006,  
9 Statutes of 1998, and Sections 24202.5 and 24203.5 had  
10 been in effect on the effective date of retirement.

11 SEC. 2. Section 24209.5 is added to the Education  
12 Code, to read:

13 24209.5. (a) Notwithstanding Section 24209, a  
14 member who (1) retires for service on or after January 1,  
15 1999, ~~or~~ (2) had retired for service prior to January 1, 1999,  
16 ~~and~~ subsequently reinstated to active status and earned  
17 at least ~~1,000 hours~~ one year of credited service after  
18 reinstating to active status, (3) and had earned a total  
19 amount of credited service, other than pursuant to  
20 Sections 22714, 22715, 22717, and 22826, equal to or greater  
21 than 30 years, shall receive a service retirement  
22 allowance equal to the sum of both of the following:

23 (1) An amount equal to the monthly allowance the  
24 member would have been receiving immediately  
25 preceding the most recent termination of the retirement  
26 allowance if Section 24203.5 had been in effect on the  
27 effective date of the retirement and, for purposes of  
28 Section 24203.5 only, the member had 30 or more years of  
29 credited service on the effective date of the retirement,  
30 and inclusive of any amounts payable pursuant to Section  
31 22714 or 22715, increased by the improvement factor that  
32 would have been applied to the allowance if the member  
33 had not terminated the retirement allowance.

34 (2) An amount calculated pursuant to Sections  
35 24202.5, 24203, 24203.5, and 24206 on service credited  
36 subsequent to the most recent termination of the  
37 retirement allowance, the member's age at retirement,  
38 and final compensation.

(b) The total amount of credited service accrued while a member, other than that accrued pursuant to Sections 22714, 22715, 22717, and 22826, shall be used to determine whether the member meets the credited service requirements of Section 24203.5 for purposes of this section.

~~SEC. 2. Section 24216.5 of the Education Code is amended to read:~~

~~24216.5. (a) The compensation earned by a member who retired for service under this part shall be exempt from subdivisions (d), (f), and (g) of Section 24214, if all of the following conditions are met:~~

~~(1) The member retired for service with an effective date on or before July 1, 1998.~~

~~(2) The member retired for service is employed by a school district to provide:~~

~~(A) Direct classroom instruction to students in classrooms that were created to meet the objectives of a program authorized in Part 28 (commencing with Section 51000) to reduce class sizes; or~~

~~(B) Is temporarily filling a position that was vacated due to a teacher transferring to a classroom within the same district that was created to meet the objectives of a program to reduce class sizes, as set forth in Part 28 (commencing with Section 51000).~~

~~(3) All members retired for service whose employment with a school district meets the conditions specified in this section shall be treated as a distinct class of temporary employees within the existing bargaining unit whose service shall not be included in computing the service required as a prerequisite to attainment of or eligibility for classification as a permanent employee of a school district. The compensation for service performed by this class of employees shall be established in accordance with subdivision (b) of Section 24214 and agreed to in the collective bargaining agreement between the employing school district and the exclusive representative for the existing bargaining unit within which these temporary employees of the school district are treated as a distinct class.~~

1     ~~(4) The employing school district submits~~  
2     ~~documentation required by the system to substantiate~~  
3     ~~the eligibility of the temporary employment of a member~~  
4     ~~retired for service for the exemption under this~~  
5     ~~subdivision.~~

6     ~~(b) A school district that employs a member retired~~  
7     ~~for service pursuant to this section shall maintain~~  
8     ~~accurate records of the retired member's compensation~~  
9     ~~earned and shall report that compensation monthly to the~~  
10    ~~system regardless of the method of payment or the source~~  
11    ~~of funds from which the compensation is paid.~~

12    ~~(c) This section shall not apply to the compensation~~  
13    ~~earned for creditable service performed by a member~~  
14    ~~retired for service for a county office of education or a~~  
15    ~~community college district.~~

16    ~~(d) An employer shall give preference to hiring~~  
17    ~~persons who have credentials issued by the Commission~~  
18    ~~on Teacher Credentialing.~~

19    ~~(e) The amendments to this section enacted during~~  
20    ~~the 1999 calendar year of the 1999-2000 Regular Session~~  
21    ~~shall apply to the 1999-2000 school year.~~

22    ~~(e) This section shall remain in effect only until July 1,~~  
23    ~~2002, and as of that date is repealed unless a later enacted~~  
24    ~~statute which is enacted before July 1, 2002, deletes or~~  
25    ~~extends that date.~~